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| 10/583,653 | 03/28/2007 | Frank Brode | 02316.2395USWO | 3708 |
| 23552 7590 09/09/2008 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903 | | | | |
| EXAMINER | | | | |
| LERUNG, QUYEN PHAN | | | | |
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| 09/09/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,653

Applicant(s)

BRODE ET AL.

Examiner

QUYEN P. LEUNG

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-23 and 26-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-11, 13-16, 19-23 and 26-34 is/are allowed.
6) ☒ Claim(s) 35-38 and 40-43 is/are rejected.
7) ☒ Claim(s) 39 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-849)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to applicant's amendment filed 5/7/08 claims 1-2, 6, 9-11, 13-15, 20 have been amended; claims 26-43 added; claims 12, 17-18, 24, 25 canceled. Claims 1-11, 13-16, 19-23, 26-43 are pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cutting device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 41 is objected to because of the following informalities: "centring" has been misspelled and should be replaced by –centering–. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the top part" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 37-38, 40, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (4784456). Smith discloses the claimed invention.

Re claim 35, Smith teaches a connecting module for optical waveguides 29, 38, comprising a housing 10 and fibre guidance structures (v-shaped grooves), wherein at least two waveguides 29, 38 are configured to be brought into contact in pairs in the housing 10, wherein the connecting module 10 includes fitting agents (42, see figure 8) for a base plate 43; wherein a reservoir (chamber 13, see figure 7, volume enclosed by fiber lock 18) with an immersion fluid (see col. 6 lines 47-52) has been arranged in the connecting module.

Re claim 37, see figures 7 and 8 wherein the fibre guidance structures (v-shaped grooves) are transient bores.

Re claim 38, see figures 2, 7 and 8 wherein the housing comprises at least two parts (top and bottom parts), with V-shaped grooves having been worked into a bottom part and a top part being configured to receive an inserted optical waveguide that is pushed into one of the V- shaped grooves when the bottom part and the top part are pushed together.

Re claim 40, see figure 7 wherein the reservoir 13 has been arranged in the top part 18.

Re claim 41, see figure 5 wherein the connecting module has been provided with means for the centering of fibre end sleeves or ferrules. See also col. 4 lines 61-68.

FIG. 2

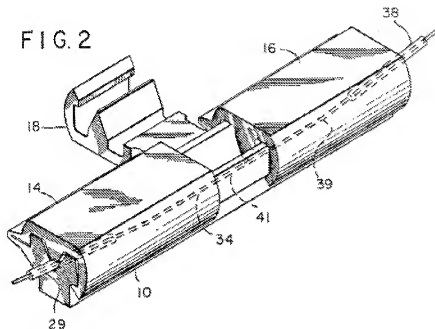


FIG. 7

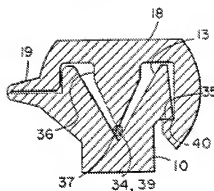
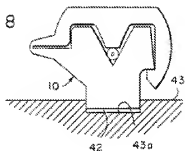


FIG. 8



Re claim 42, see col. 3 lines 40-43 wherein each of the waveguides is designed as an optical plastic fibre.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, as applied above. Smith has been discussed above except for re claim 36 wherein the housing is made of plastic or re claim 43 wherein each of the waveguides is designed as an HCS fibre or as a glass fibre. Examiner asserts that housing of plastic and each of the waveguides being designed as an HCS fibre or as a glass fibre is well-known. It would have been an obvious design choice to one of ordinary skill in the art to select suitable known materials for use in Smith well-known materials, such as the housing of plastic or each of the waveguides of an HCS fibre or a glass fibre.

Allowable Subject Matter

Claims 1-11, 13-16, 19-23, 26-34 are allowed.

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re independent claim 1, Smith is the closest cited prior art but fails to teach the combination as claimed.

Re independent claims 14 and 26, Smith is the closest cited prior art but fails to teach or fairly suggest at least a cutting device along with all the other claimed features.

The dependent claims are allowed for the same reasons above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **QUYEN P. LEUNG** whose telephone number is (571)272-8188. The examiner can normally be reached on normally M-F, 7 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quyen Leung/
Quyen P Leung
Primary Examiner
Art Unit 2874

qpl